

Message Text

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IO-14 COA-02 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PM-07 H-03 INR-11 L-03 NSC-07 PA-04

PRS-01 SP-03 SS-20 ACDA-19 AEC-11 AGR-20 CG-00 COME-00

DOTE-00 FMC-04 INT-08 JUSE-00 EPA-04 NSF-04 OMB-01

EB-11 OIC-04 DRC-01 /247 W

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC IMMEDIATE 5241

S E C R E T SECTION 1 OF 2 CARACAS 7662

FROM US DEL LOS

EO 11652: GDS

TAGS: PLOS

SUBJECT: LOS: CONTINENTAL MARGIN DELIMITATION

1. SUMMARY: U.S. DEL BELIEVES IT MUST BEGIN EXPLORATORY DISCUSSIONS WITH BROAD MARGIN STATES REGARDING DELIMITATION OF THE CONTINENTAL MARGIN BEYOND 200 MILES (E.G. CANADA, AUSTRALIA, ARGENTINA, USSR). PETROLEUM AND OTHER PUBLIC EXPERTS CONCUR. THIS CABLE PRESENTS CONCEPTS ON WHICH DISCUSSIONS CAN BE COMMENCED. THE LAW OF THE SEA TASK FORCE EXPLORED NUMEROUS FACETS OF THIS PROBLEM IN ITS SUBMISSION TO THE NSC (REPORT OF THE INTERAGENCY TASK FORCE ON THE LAW OF THE SEA ON RECOMMENDED INSTRUCTIONS FOR THE U.S. DELEGATION TO THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, MAY 1974). CONCURRENTLY, THE NATIONAL PETROLEUM COUNCIL WAS EXPLORING THIS MATTER AND ITS INTERIM REPORT OF JULY 4, 1974 TO THE SECRETARY OF THE INTERIOR SUMMARIZES ITS STUDY. THE MATTER WAS ALSO BEING EXPLORED BY INTERESTED PRIVATE INDIVIDUALS AND ORGANIZATIONS. BASED ON PRESENT KNOWLEDGE US DEL

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BELIEVES IT CAN COMMENCE EXPLORATORY DISCUSSIONS ADEQUATELY

PROTECTING US INTERESTS AND CONSISTENT WITH ITS INSTRUCTIONS
FOR THE LOS CONFERENCE. ANY COMMENT REQUEST BY COB AUGUST 15.
ENG SUMMARY.

2. ONE PRINCIPAL CONCERN IS TO RESERVE NATIONAL JURISDICTION
OVER THE SUBMERGED CONTINENTAL LAND MASS AND ASSOCIATED MATERIALS
WHERE THERE IS A REASONABLE LIKELIHOOD THAT HYDROCARBONS IN
EXPLOITABLE QUANTITY MAY BE FOUND. CENTRAL TO PROTECTION OF
THIS INTEREST IS DISTINGUISHING BETWEEN CONTINENTAL MASS AND THE
OCEANIC CRUST. THE JUNCTION OF THESE PHENOMENA OCCURS BENEATH
THE SURFACE OF THE OCEAN FLOOR, BUT THERE ARE RELATED PHYSIO-
GRAPHIC PHENOMENA ON THE OCEAN FLOOR ITSELF WHICH ARE MORE ASCER-
TAINABLE AND WHICH COULD SERVE AS A BASIS FOR FIXING THE LIMIT TO
NATIONAL JURISDICTION OVER SUBSURFACE MINERAL RESOURCES. SUCH
A LIMIT WOULD BE (1) INCLUSIVE OF THE AREA OF INTEREST EXISTING
BENEATH THE SURFACE, (2) AS PRECISE AS POSSIBLE, AND (3) CAPABLE
OF BEING PERMANENTLY ESTABLISHED.

3. SEVERAL MEANS OF DELIMITATION HAVE BEEN CONSIDERED. THE DEFINI-
TION IN THE 1958 CONVENTION ON THE CONTINENTAL SHELF IS INADE-
QUATE BECAUSE IT DOES NOT PROVIDE A BASIS FOR A PRECISE LIMIT
CAPABLE OF PERMANENT ESTABLISHMENT. SUBSTITUTION OF A SPECIFIC
DEPTH CONTOUR FOR THE 200-METER CONTOUR/EXPLOITABILITY CRITERION
OF THAT CONVENTION COULD SATISFY THESE TWO REQUIREMENTS, BUT,
BASED ON OUR CONSIDERATION TO DATE, WOULD NOT ENCOMPASS ON A
GLOBAL BASIS THE AREA OF INTEREST. A LINE COINCIDING WITH THE
OUTER LIMIT OF THE SUBMERGED CONTINENTS IS THE MOST SIGNIFICANT
AND CONTINUOUS NATURAL BOUNDARY WHICH CAN BE USED FOR THIS PUR-
POSE. THERE IS A MARKED GEOLOGICAL/GEOGRAPHICAL CHANGE IN
THE CHARACTER OF THE EARTH'S CRUST, WHICH IS IMPRESSIVELY
SHARP WHEN VIEWED ON A WORLD SCALE. HOWEVER, THE ACTUAL OUTER
EDGE OF THE CONTINENTAL MARGIN IS EXTREMELY DIFFICULT FOR GEO-
LOGISTS TO AGREE UPON. IN SOME PARTS OF THE WORLD, THE JUNCTION
OF THE CONTINENTAL LAND MASS WITH THE ABYSSAL PLAIN IS COVERED
BY SEDIMENTS OF THE CONTINENTAL RISE. THIS MAY EXTEND VAST DIS-
TANCES, TAPERING EVENTUALLY TO A PAPER-THIN EDGE. IN THE SEAWARD
PORTION OF THE RISE MOST PETROLEUM EXPERTS ARE OF THE OPINION
THAT HYDROCARBONS MAY, HOWEVER, EXIST WHERE SEDIMENTS OF THE RISE
ARE ADJACENT TO THE SLOPE AND THICKER.

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4. WHERE THE RISE EXISTS, THE PRECISE LOCATION OF THE JUNCTION OF THE
SUBMERGED CONTINENT AND THE ABYSSAL PLAIN IS DIFFICULT TO DETERMINE
IN ORDER TO INCLUDE ALL THE AREA OF INTEREST WITHIN NATIONAL
JURISDICTION IT IS NECESSARY TO DEVELOP A MEANS OF APPROXIMATING
THE ACTUAL SUBMERGED JUNCTION. THERE IS A PRONOUNCED CHANGE IN
GRADIENT BETWEEN THE NATURAL PROLONGATION OF THE CONTINENTAL OR
INSULAR LAND MASS AT THE POINT WHERE THE CONTINENTAL SLOPE MEETS
THE ABYSSAL PLAIN OR MEETS THE CONTINENTAL RISE WHERE IT EXISTS.

THE LIMIT WHICH IS BEING CONSIDERED IS ONE BY WHICH THE BASE OF THE SLOPE IS FIRST DETERMINED. THIS FEATURE IS THEN USED AS A BASELINE FROM WHICH A PRECISE OUTER LIMIT IS MEASURED. THE ACTUAL OUTER LIMIT MAY BE PLACED SEAWARD OF THIS BASELINE AT A DISTANCE TO BE AGREED UPON BUT THAT WOULD NOT PERMIT ENCROACHMENT ON THE ABYSSAL PLAIN.

5. OUR INFORMATION INDICATES THAT SUCH A BOUNDARY WOULD ENCOMPASS ALL RESOURCES OF ECONOMIC INTEREST AROUND THE COAST OF THE UNITED STATES.

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EB-11 OIC-04 DRC-01 /247 W

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TO SECSTATE WASHDC IMMEDIATE 5242

S E C R E T SECTION 2 OF 2 CARACAS 7662

FROM US DEL LOS

6. IN ORDER TO ESTABLISH A PERMANENT SEAWARD BOUNDARY OF THE CONTINENTAL MARGIN, COASTAL STATES WOULD BE REQUIRED TO DESCRIBE LIMITS ON OFFICIAL CHARTS AND DOCUMENTS BY STRAIGHT (GEODETIC) LINES NOT TO EXCEED A SPECIFIC LENGTH AND CONNECTING FIXED POINTS. THIS LIMIT COULD BE NOTIFIED TO A COMMISSION ESTABLISHED FOR THIS PURPOSE AND TO REVIEW DETERMINATIONS OF SEAWARD LIMITS TO ENSURE THEY CONFORM WITH THE PROVISIONS OF THE CONVENTION. DISPUTES CONCERNING THE COMMISSION'S REVIEW COULD BE TAKEN TO

COMPULSORY DISPUTE SETTLEMENT. US DEL IS AWARE OF ONE POTENTIAL PROBLEM INHERENT IN THE DELIMITATION APPROACH DESCRIBED ABOVE. THE CONTINENTAL MARGIN OF THE INDIAN SUBCONTINENT IS EXTREMELY ATTENUATED AND DEPENDING ON HOW ITS GEOMORPHOLOGICAL CHARACTERISTICS ARE TAKEN INTO ACCOUNT COULD PRODUCE AN EXTREMELY BROAD MARGIN FOR ADJACENT STATES. WHILE HYDROCARBONS IN EXPLOITABLE QUANTITY ARE UNLIKELY TO FOUND IN THE SEAWARD REACHES, APPEARANCE OF A WINDFALL FOR THESE COUNTRIES COULD GENERATE A FLAT REJECTION OF THE CONCEPT BY AFRICAN STATES. AFRICAN STATES CONTINUE TO SUPPORT 200 MILES AS THE ONLY SEAWARD LIMIT OF COASTAL STATE

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JURISDICTION. WHILE WE CONTINUE TO CONSIDER HOW TO AVOID THIS PROBLEM WE BELIEVE WE CANNOT DELAY EXPLORATORY DISCUSSIONS WITH BROAD MARGIN STATES. THESE DISCUSSIONS ARE APPROPRIATE BOTH TO SIGNAL OUR INTEREST TO THEM AND TO OBTAIN INFORMATION ON HOW THEY PROPOSE TO APPROACH THE PROBLEM.

7. THE SYSTEM CONTEMPLATED IS BASED UPON THE RECOMMENDATIONS OF THE NATIONAL PETROLEUM COUNCIL, WHICH STUDIED ISSUE IN GREAT DETAIL.

8. US DEL WISHES TO ENTER EXPLORATORY DISCUSSIONS WITH BROAD MARGIN STATES AND BELIEVES THIS SHOULD COMMENCE BY AUGUST 16. WE WOULD APPRECIATE ANY COMMENTS.

9. THE NSC LOS TASK FORCE IS CONTINUING ITS WORK TO DETERMINE THE MEANS FOR LOCATING AS PRECISELY AS POSSIBLE THE EDGE OF THE CONTINENTAL MARGIN.

STEVENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, CONTINENTAL SHELF, TERRITORIAL SEA LIMIT, INSTRUCTIONS, DIPLOMATIC DISCUSSIONS, COMMITTEE MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CARACA07662
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740220-0349
From: CARACAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740858/aaaabxkj.tel
Line Count: 203
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 23 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 SEP 2002 by boyleja>; APPROVED <20 FEB 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: CONTINENTAL MARGIN DELIMITATION
TAGS: PLOS, VE, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005